

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARVIN HARRIS,

Plaintiff,

v.

PHILLIPS,

Defendant.

No. 1:23-cv-01140-JLT-BAM (PC)

ORDER DISMISSING ACTION WITHOUT
PREJUDICE FOR FAILURE TO PAY FILING
FEE AND FAILURE TO OBEY COURT
ORDER

(Doc. 10)

Plaintiff Marvin Harris is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On August 3, 2023, the assigned magistrate judge issued findings and recommendations recommending that Plaintiff's application to proceed *in forma pauperis* be denied pursuant to 28 U.S.C. § 1915(g) and that Plaintiff be required to pay the filing fee in full to proceed with this action. (Doc. 7.) Plaintiff filed objections on August 16, 2023. (Doc. 9.)

On August 21, 2023, the undersigned issued an order adopting the findings and recommendations in full and ordering Plaintiff to pay the \$402.00 filing fee in full within twenty-one (21) days. (Doc. 10.) In that order, plaintiff was also warned that if he failed to pay the filing fee within the specified time, this action would be dismissed without further notice. (*Id.* at 2.) Plaintiff has not paid the filing fee, and the deadline for him to do so has expired.

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1 Because Plaintiff has failed to obey the court's order and pay the appropriate filing fee,
2 this case cannot proceed. This matter will be dismissed. *See Ferdik v. Bonzelet*, 963 F.2d 1258,
3 1260–61 (9th Cir. 1992).

4 Based on the foregoing, the Court **ORDERS**:

- 5 1. This action is **DISMISSED**, without prejudice, for Plaintiff's failure to comply with the
6 Court's order and his failure to pay the filing fee.
7 2. The Clerk of the Court is directed to close this case.

8 IT IS SO ORDERED.
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10 Dated: September 28, 2023


11 UNITED STATES DISTRICT JUDGE

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